

Form FHWA-121 (12-67)

UNITED STATES GOVERNMENT

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Memorandum

TRAN review(s) completed.

TO : John R. Provan, Director
Office of Administration

DATE: NOV 7 1969

In reply refer to:

FROM : David E. Wells
Chief Counsel

David E. Wells

SUBJECT: Protection of Property and Employees at Fairbank Highway Research Station, McLean, Virginia

This is in response to your request of October 17 for advice concerning who has jurisdiction to police the premises of the Fairbank Highway Research Station in McLean, Virginia. You stated that neither the Fairfax County police, the F.B.I., or the G.S.A. security force at the nearby C.I.A. would undertake this task as each claimed that it lacked jurisdiction to do so. Even though the center is the property of the United States Government, the only jurisdiction to police the premises lies with the State of Virginia and its political subdivision, Fairfax County.

Jurisdiction over property owned by the United States within a state which once belonged to the state is either exclusive in the United States, concurrent in the United States and the state, or exclusive in the state. Federal ownership conveys no federal jurisdiction over the premises unless the state grants the United States either exclusive or concurrent jurisdiction over the property. If the state makes no such grant, the federal interest as to such matters as police protection is proprietary only: It must depend upon the state for protection just as must any citizen of the state. There has been no such grant to the United States by Virginia of any sort of jurisdiction over the Fairbank Station, formerly known as the Langley Research Station. As such, only Virginia and Fairfax County have jurisdiction to police the premises; and they have full power to do so.

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a copy given to on 19 Oct 71 by



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TRANSMITTAL FORM - U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE
FEDERAL HIGHWAY ADMINISTRATOR

FORM FH-82A
(3-67)

DATE 10-18-71

25X1A

TO :

FROM: Lawrence S. Casazza

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D. C. 20591

OFFICIAL BUSINESS

For your information.

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